

**JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 1, 2006**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Charlene Hall, Bruce Suenram, Kelly Patzer, Dennis Lay, Jan Anderson, David and Kathy Christensen, Tahnee Addington, Shawn Higley, Celia Wolny, Tara Mastel, Michelle LeTexier, Marilyn McCauley

CALENDAR REVIEW

- 8/3 YFMP presentations - Helena - 10:00
Boulder Golden Triangle name change ceremony - 10:00
Whitehall Chamber - noon
- 8/4 Metal Mines Grant Committee - Whitehall - 9:00
- 8/8 Montana City roundabout sign meeting - 10:30
Safety Day family picnic - fairgrounds - 6:00

COMMISSION REPORTS

MEETING WITH THE STATE LIBRARY

Commissioner Lythgoe reported that the Commissioners met with Darlene Staffeldt and Bob Cooper to discuss library board issues. Commissioner Notbohm stated that he came away from the meeting feeling that the State Director and the County don't have a lot of power over the local boards. Commissioner Weber stated that while they may not have a lot of power, they do control the money etc. The state library does not require the Jefferson County have a director, we can make do with the head librarian. This was okay up until couple of years ago when Mr. Hamill change the paperwork to indicate there was no library director. The board then decided that one was needed. He stated that it may be best to appoint a Commissioner to serve on the library board as a voting member to try to work on some of these issues. Commission Lythgoe stated that he got a call from Susan Harran on Friday and it was not on the Library Board agenda to hire a Clancy librarian. They wanted to do a conference call on Monday, but he told her that this was too short notice. They will be meeting Wednesday. Commissioner Weber reiterated that he feels they should appoint a Commissioner to sit on the board to try and heal the rift. Commissioner Notbohm stated that this was a positive meeting and they received good information.

JUVENILE DETENTION

August 1, 2006 minutes.wpd

Commissioner Notbohm stated that he attended the juvenile detention meeting in Galen on Thursday. Things are generally going well. Tom Ramírez had some concerns regarding placement, and Commissioner Notbohm told him the Commission is willing to listen. They decided to do all but two meetings with conference calls.

ZONING COMMISSION

Commissioner Weber reported on the zoning commission meeting. They took a tour of the area to be considered, and the growth coming our way is very apparent.

BUDGET

Commissioner Lythgoe stated that he met with a couple members of the Museum Board on Friday regarding their budget. He gave all the budget documents to Bonnie on Monday.

PARTNERSHIP FOREST PLAN

Commissioner Weber stated that there was an article in the paper regarding the partnership forest plan, and noted that the Commission has not yet answered their proposal.

CORRESPONDENCE

Commissioner Lythgoe stated that the Commission has received two letters from the Department of Revenue requesting a refund for two homeowners. These homeowners were wrongly assessed and overpaid their taxes. The overpayments were on parcel 2307, Keith and Susan Schultz in the amount of \$885.17 and parcel 7542, Ron Pearson in the amount of \$569.69. Commissioner Notbohm move to approve the requested refunds. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe stated that they have received correspondence from Duane Harp, Helena National Forest, with notice that the Forest Service is going to gate and fence roads in the Park Lake area, and they want a response from the Commission. He ask if they are ready to give that response. Commissioner Weber stated that there are still a small amount of research needed before a response can be made. Commissioner Notbohm stated that they have all looked at the roads in question and had a good handle on where they're located; these are county rights-of-way. He feels that they can go ahead with action at this time. Commissioner Weber stated that generally speaking, they're are on the same page. Commissioner Notbohm stated that historically, there has been mining in the area for over 100 years. Commissioner Weber said that the Helena National Forest was formed in 1906 or 1908; he is looking into this. He asked about the historical use of these roads and if they are public roads that predate the Forest Service. Commissioner Lythgoe ask if they know the answers to these questions regarding these roads. Commissioner Weber stated that he will in the next day or so. Commissioner Lythgoe suggested that they call the Duane and let him know that he will have a response in a day or two. Commissioner Weber stated that briefly, the letter will state that due to fire danger, recreation, and private mining claims, the Commission feels that if it is important to maintain access wherever possible.

Commissioner Lythgoe stated that he was sent an e-mail from the chair of MTAG regarding the release of metal mines money. They're requesting that the release be done and outlined how they would like to see the money used. Commissioner Weber asked if this had not already been done. Commissioner Lythgoe stated that this letter is asking for specific amounts be used for specific purposes. He thinks that they forgot to change the date on the letter as there is some new information.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL - RIDGEVIEW MAJOR SUBDIVISION

Mike Hoffman, County planner, presented his staff report and noted that two variances will be required, regarding two points of ingress-egress and a street ending in a cul-de-sac that is longer than 1500 feet. He stated that the planning board had an additional recommendation for the conditions of approval. In addition to a water supply for fire suppression, they asked that the developer consider a community well. Mike recommended that preliminary plat approval be granted and noted that the Commission also needs to decide regarding the planning board's recommendation.

Commissioner Lythgoe asked how far over of the 1500 feet allowed is a cul-de-sac. Dennis Lay stated he would have to get the plans out and see is not sure. He said that it is not a great deal over, maybe a couple hundred feet. Commissioner Weber questioned the intersection of streets noting that road standards require a 90° angle for safety. Mike noted that the road standards state 'where possible', and stated that the roads needed to be designed this way to keep lot sizes. Sight distance is not an issue, and in his opinion, the plan proposed is safer.

Commissioner Weber asked if there any potential sites picked for water supply storage. Dennis stated that the proposed site is the northeast corner, on Lot 13, and presented revised plans.

Commissioner Notbohm asked how the developer feels about the planning board's recommendation regarding a community well system. Shawn Higley, engineer for the project, stated that basically, the developer will comply with whatever DEQ requires. However, there is a problem with an Upper Missouri River Basin Supreme Court decision which states that unless it is for municipal use, you cannot have a system that produces over 35 gallons per minute. Commissioner Lythgoe stated, in other words, the planning Board recommendation cannot be considered because of the court decision. Commissioner Weber asked if the proposal before the DEQ is for single wells. Shawn stated that this is correct.

Kelly Patzer stated that he is a neighboring landowner. He stated that a person in the Moonlight Ridge subdivision is having problems finding water; with these one acre lots, it could be even harder to find water. Sight distance is good now, but with growth, it may not be in the future. Regarding the easement, he would request that the Commission go back to the original written agreement, as verbal promises are not being kept. Commissioner Weber asked if there is a written agreement for Ridgeview Drive. Kelly stated that this is the fourth alteration. Things have been done without the knowledge of the affected landowners and they're in violation. Commissioner Weber asked if the violation is in the center line or the width. Kelly stated that

the road is not within the easement designated and he wants return to what was in the written agreement.

Dennis presented an easement agreement between the Patzers, Christiansens, and Armstrongs. When the road was laid out they followed the existing centerline; he feels they have followed this as best they can. Commissioner Lythgoe asked what exactly the problem is. Kelly stated that the easement is for 60 feet but there is a disruption of ground up to 80 feet and there needs to be a retaining wall. He hasn't been able to get together with the developer to discuss this and he doesn't want to give up more land. Commissioner Notbohm asked if any reclamation has been done. Kelly stated that it leaves this subdivision and goes into a five lot family transfer. Dennis stated that reclamation will be done. Kelly said that he wants to have completed what was verbally agreed to and he wants to have a written agreement. Commissioner Notbohm noted that verbal agreements are all fine and well, but when it comes easements, written agreements are what matters. Kelly stated that the written agreement is for 60 feet and he would like to go back to that.

Bruce Suenram, Fire Logistics, stated that he was available for questions. Commissioner Lythgoe asked if Bruce is comfortable with the subdivision. Bruce stated that everything has been worked out in advance.

Commissioner Lythgoe stated that, as a condition of approval, they're not dealing with the easement as it is not in the document. His hope is that Kelly and the Christiansen's can get together and work this out. Dave Christiansen stated that they are working on the road and are not finished. All of this will be resolved when the project is completed. Harold stated that from what he can see of the easement there is no clear picture of where the centerline should be. What they need to concentrate on today is the subdivision and the subdivision only.

Commissioner Notbohm asked if the road meets the standards as it starts up the hill. Mike stated that it does, noting that the steepest rate is 9.8% Commissioner Weber stated that, without minimizing personal property rights, the Commission can't really address the easement at this time. The easement deed filed in 2005 gives the Christiansens access to their property. This is something that needs to be dealt with civilly.

Commissioner Weber moved to grant preliminary plat approval to the Ridgeview Major Subdivision. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

CHARLENE HALL - PROPOSAL FOR SMALL-ANIMAL ANIMAL SHELTER

Charlene Hall stated that she is coming before the Commission today with the proposal for a County shelter in Boulder. She has 501(c)3 status, and all of her legal documents needed for the shelter. She also has outlined goals for the shelter as well as plans. She has discuss veterinary care with local veterinarians to provide low-cost spay neuter services. She has letters of support

from the local police, Judge, Sheriff, City Council, AYA, and the senior citizens group. She sees good community support and hopes to have a volunteer staff. What they need now is the building or land. She is looking at a vacant building on the South campus and asked if there is a possibility that she might be able to use this building. She is all ready to proceed, she just needs the space. Commissioner Lythgoe asked if she has spoken with Tom Harrington. Charlene stated that she has. The building in question is the old cafeteria, and Tom feels that it would cost thousands of dollars to upgrade. Charlene stated that she can't see the cost been that high. Commissioner Lythgoe stated that the property is leased by the County to the JLDC and they are in charge of it and do what it as is in the best interest of the Commission. She needs to get together with Tom Harrington and sit down and discuss the feasibility of this project. Commissioner Notbohm noted that Commissioner Lythgoe is on the JLDC board and suggested that he presented projects to them. Commissioner Lythgoe agreed that he could do this and asked Charlene she has found any other area that may work.

Charlene stated that Tom Harrington told her of some property across the street, but she would have to get a building. With the existing building, they could get started right away. Commissioner Lythgoe stated that he thinks this is a great idea and is very supportive, but the problem will be with finding a building. He can talk to the JLDC but it may be cost prohibitive. The state also has standards for community operations, which this would be.

Commissioner Weber noted that there is a requirement for segregation of animals. Charlene stated that she understands the need and also knows what is required. Commissioner Weber asked if Charlene is aware of what agencies she needs to go to get information. Charlene stated that she has lots of information. There are also grants available but they need to have a building before they can apply.

Commissioner Lythgoe stated that he will talk to Tom Harrington regarding the building. If it is not an option they will need to look elsewhere. The land across the road might be good, but they would be working from the ground up. Of course, it may be cheaper to go from the ground up than to renovate a building. He stated that the Commission will look into this, as he feels that it is a great idea.

DISCUSS AND DECIDE ON MAKING THE SOLID WASTE BOARD A SIX-MEMBER BOARD

Commissioner Weber stated that MCA allows for a five-member board. In 1996, the Commission reorganizes the Solid Waste Board as a seven-member board, with a member coming from each of the incorporated towns, a member from the Health Board, a Commissioner, and three members from the County at large. This breakdown seems to have gone by the wayside. Commissioner Lythgoe stated that it seems the Commission needs to rewrite the resolution. Commissioner Weber stated that he agrees. The Solid Waste bylaws allow for the addition or removal of one member per year and they have discussed changing the bylaws. Commissioner Lythgoe stated that it is appropriate to have a member from the incorporated towns, but they need to drop the Health Board member, noting that it is hard enough to get people to serve on one board. Commissioner Notbohm noted that they usually try to get someone from each of the three districts but in the long run it would offer more flexibility to just indicate that members need to come from the County at large. Commissioner Lythgoe stated that

it should also designate one person from the North end. Commissioner Weber stated that the effort has been to find someone from each location with a transfer station, but this hasn't worked. Commissioner Lythgoe noted that they will need to go through the publication process. This will be on the agenda in two weeks.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER